

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

RAPID MORTGAGE COMPANY,  Plaintiff,  v.  RAPID MORTGAGE FUNDING, INC.  Defendant.	Case No. 1:22-cv-00746  Judge Douglas R. Cole  <b><u>JOINT MOTION FOR ENTRY OF CONSENT ORDER</u></b>
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Plaintiff Rapid Mortgage Company (“**Plaintiff**”) and Defendant Rapid Mortgage Funding, Inc. (“**Defendant**”) (collectively, the “**Parties**”), by and through their undersigned attorneys, hereby submit this Joint Motion to enter the attached Consent Order in the above-captioned case, and in support thereof, state as follows:

1. On December 13, 2022, Plaintiff filed a Complaint in the above-captioned matter, against Defendant for unfair competition and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), and for substantial and related claims of trademark infringement and deceptive and unfair trade practices under the statutory and common laws of the State of Ohio.
2. On November 13, 2024, the Parties entered into a Trademark Settlement and Coexistence Agreement executed by the parties on November 13, 2024 (“**Settlement Agreement**”). To this end, and as a required part of the resolution and settlement, the Parties have agreed to and executed a Consent Order which is attached hereto as Exhibit A. The Parties have further agreed to file a dismissal of all claims upon the entry of the Consent Order and request that the Court enter the attached consent Order which will permit dismissal of this matter.
3. The Parties have agreed that this Court has jurisdiction over the subject matter of this case and jurisdiction over Defendant.

4. The Parties have agreed that, except with respect to the enforcement of this Consent Order and/or the Settlement Agreement, each party shall bear its own costs and attorneys' fees incurred in this action.

5. The Parties represent that good cause exists for the entry of the Consent Order and that this motion is not brought for any improper purpose, but instead to facilitate a prompt and just resolution this case.

WHEREFORE, the Parties respectfully request that this Court enter the Consent Order attached hereto as Exhibit A.

Respectfully submitted,

<p>By: <u>/s/ Nicole M. Lundrigan (via email auth.)</u></p> <p>W. Kelly Lundrigan (0059211) Nicole M. Lundrigan (0075146) LUNDRIGAN LAW GROUP CO, LPA 1080 Nimitzview Drive, Suite 402 Cincinnati, Ohio 45230 Telephone: (513) 813-7610 klundrigan@lundrigan-law.com nlundrigan@lundrigan-law.com</p> <p><i>Attorneys for Plaintiff Rapid Mortgage Company</i></p>	<p>By: <u>/s/ Arlene L. Boruchowitz</u></p> <p>Arlene L. Boruchowitz (0096747) DINSMORE &amp; SHOHL LLP 191 W. Nationwide Blvd, Suite 200 Columbus, OH 43215 Telephone: 614-628-6880 Facsimile: 614-628-6890 arlene.boruchowitz@dinsmore.com</p> <p><i>Attorney for Defendant Rapid Mortgage Funding, Inc.</i></p>
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Dated: November 19, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that on November 19, 2024, a true and correct copy of the foregoing was filed through the Court's CM/ECF electronic filing system, with notice of this filing to be sent to the parties by operation of the Court's CM/ECF system.

/s/ Arlene L. Boruchowitz

Arlene L. Boruchowitz